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6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 VIRGINIA PEREZ, individually,  
and on behalf of all others similarly  
11 situated,

12 Plaintiff,

13 v.

14 MAID BRIGADE, INC., a  
Delaware Corporation, and BMJ  
15 LLC, a California Limited Liability  
Company,  
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17 Defendants.  
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Case No. C 07-3473 SI

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS-ACTION SETTLEMENT**

Date: June 6, 2008

Time: 9:00 a.m.

Dep't: 10

*Assigned to Hon. Susan Illston*

1 WHEREAS an action is pending before the Court entitled Perez v. Maid Brigade  
2 Inc., et al., Case No. C 07-3473 SI;

3 WHEREAS the parties have made application for an order approving the  
4 settlement of this action, in accordance with a Stipulation of Settlement lodged with the  
5 Court concurrently with their application that sets forth the terms and conditions for a  
6 proposed settlement of the Litigation (as defined in Section 5 of the Stipulation of  
7 Settlement) and for dismissal of the Litigation with prejudice upon the terms and  
8 conditions set forth therein;

9 WHEREAS the Court has read and considered the Stipulation and all moving  
10 papers in support of the application for an order approving the settlement, as well as the  
11 oral arguments made in support of the order;

12 NOW, THEREFORE, IT IS HEREBY ORDERED:

13 1. The Court does hereby preliminarily approve the Stipulation of Settlement  
14 and the settlement set forth therein as being “within the range of possible approval” and  
15 as disclosing no “grounds to doubt its fairness.” See West v. Circle K Stores, Inc., 2006  
16 U.S. Dist. LEXIS 42074 at \*34 (E.D. Cal. June 13, 2006) (quoting Gautreaux v. Pierce,  
17 690 F.2d 616, 621 n.3 (7th Cir. 1982)).

18 2. Solely for purposes of the proposed settlement, a Class defined as follows is  
19 hereby provisionally certified: “all persons who, according to BMJ LLC’s payroll  
20 records, were employed by BMJ LLC as non-exempt employees in California between  
21 July 7, 2003, and the date of the entry of the Order Granting Plaintiff’s Motion for  
22 Preliminary Approval of Class-Action Settlement and who do not file a timely request to  
23 be excluded from the Settlement.”

24 3. Solely for purposes of the proposed settlement, the Court does hereby  
25 preliminarily approve Alan Harris, Harris & Ruble, 5455 Wilshire Boulevard, Suite  
26 1800, Los Angeles, California 90036 as Class Counsel and Virginia Perez as the  
27 Representative Plaintiff. The Court also hereby appoints Harris & Ruble as the Qualified  
28 Settlement Administrator.

1           4.     On October 24, 2008, at 9:00 a.m. or on such other date and time as the  
2 Court may designate, a hearing (the “Final Approval Hearing”) shall be held before this  
3 Court, in Courtroom 10 of the United States District Court for the Northern District of  
4 California, to determine whether the proposed settlement of the Litigation on the terms  
5 and conditions provided for in the Stipulation of Settlement is fair, reasonable, and  
6 adequate and should be approved by the Court, as well as to determine the amount of  
7 attorney’s fees and costs that should be awarded to Class Counsel.

8           5.     The Court approves, as to form and content, the Notice of Pendency of  
9 Class-Action [Settlement] for Court Approval (“Class Notice”) and the Claim Form that  
10 are annexed as Exhibits to the Declaration of Alan Harris in Support of Plaintiff’s  
11 Motion for Conditional Certification of Settlement Class, Preliminary Approval of Class-  
12 Action Settlement, and Appointment of Qualified Settlement Administrator. The Court  
13 finds that the distribution of the Class Notice substantially in the manner set forth in  
14 Paragraph 6 of this Order, *infra*, meets the requirements of California law and due  
15 process, is the best notice practicable under the circumstances, and shall constitute due  
16 and sufficient notice to all persons entitled thereto.

17           6.     The Qualified Settlement Administrator shall supervise and administer the  
18 notice procedure as more fully set forth below:

19               a.     On July 8, 2008, the Qualified Settlement Administrator shall  
20 distribute, by a first-class mailing to all Class Members, a copy of the Class Notice and  
21 Claim Form. If a Class Notice and Claim Form are returned because of an incorrect  
22 address by the U.S. Postal Service and received by the Qualified Settlement  
23 Administrator within ten days of the date of original mailing, the Qualified Settlement  
24 Administrator will search for a more current address for the Class Member pursuant to  
25 the terms set forth in section 5 of the Stipulation of Settlement. If a more current address  
26 for the Class Member is obtained, the Qualified Settlement Administrator will re-mail  
27 the Class Notice and Claim Form to the Class Member within five days of the original  
28 documents’ return.

b. In the event that a Claim Form is received by the Qualified Settlement Administrator without either the Class Member's original signature or social security number, the Qualified Settlement Administrator will mail the defective Claim Form with a notice of deficiency to the Class Member within five days of its receipt and instruct the Class Member that he or she may correct the deficiency and submit a corrected Claim Form to the Qualified Settlement Administrator.

c. In accordance with Section 5 of the Stipulation of Settlement, in order to be considered timely and valid, a Claim Form must be postmarked no more than sixty days after the date of mailing set forth in Paragraph 6(a) of this Order, <sup>no later than 9/6/08</sup> *supra*; the date of re-mailing set forth in Paragraph 6(a) of this Order, *supra*; or ten days after the date of mailing of a notice of deficiency referred to in Paragraph 6(b), *supra*, whichever the case may be.

7. All Class Members shall be bound by all determinations and judgments in the Litigation concerning the settlement, whether favorable or unfavorable.

8. Any Member of the Class may enter an appearance in the Litigation, at his or her own expense, individually or through counsel of his or her own choice. Any Member of the Class who does not enter an appearance or exclude himself or herself from the Class—i.e., opt out—will be represented by Class Counsel as to all of the Released Claims discussed in Section 5 of the Stipulation of Settlement.

9. Any Class Member who wishes to be excluded from (opt out of) the Class and not participate in the proposed settlement must submit a written request to be excluded, which request shall include:

- a. the Class Member's name;
- b. the Class Member's address and telephone number; and
- c. a statement that the Class Member wishes to be excluded from the Class and from participating in the proposed settlement.

10. After completing a written request for exclusion as provided in Paragraph 9, any Class Member who wishes to be excluded must:

- 1 a. sign the request for exclusion;
- 2 b. return the request for exclusion to the Qualified Settlement  
3 Administrator's address, which address shall be provided in the Class Notice; and
- 4 c. return the request for exclusion so that it is postmarked no later than  
5 the dates contemplated by Paragraph 6 of this Order, *supra*.

6 11. Any Member of the Class may appear at the Final Approval Hearing and  
7 show cause, if he or she has any, as to why the proposed settlement of the Litigation  
8 should or should not be approved as fair, reasonable, and adequate; as to why a judgment  
9 should or should not be entered thereon; as to why attorney's fees should or should not  
10 be awarded to Class Counsel; or as to why the enhancement award should or should not  
11 be made to the Representative Plaintiff—provided, however, that no Settlement Class  
12 Member or any other person shall be heard or entitled to contest the approval of the  
13 terms and conditions of the proposed settlement or, if approved, the Judgment to be  
14 entered thereon approving the same or, if awarded, compensation for the Representative  
15 Plaintiff or the attorney's fees and costs awarded to Class Counsel, unless that person  
16 has, no later than the dates contemplated by Paragraph 6 of this Order, *supra*, (1) served  
17 by hand or first-class mail on the Qualified Settlement Administrator and counsel for the  
18 parties written objections and copies of any papers and briefs in support thereof that  
19 explain the basis of the objection; and (2) filed these objections, papers, and briefs with  
20 the Clerk of the Court of the United States District Court for the Northern District of  
21 California, 450 Golden Gate Avenue, Los Angeles, California 94102. All timely filed  
22 and served objections shall be considered and ruled upon by the Court at the Final  
23 Approval Hearing. Any Member of the Class who does not timely file and serve his or  
24 her objections in the manner provided above shall be deemed to have waived such  
25 objections and shall forever be foreclosed from making any objection to the fairness or  
26 adequacy of the proposed settlement as incorporated in the Stipulation of Settlement, as  
27 well as to any award of attorney's fees and costs awarded to Class Counsel and any  
28 enhancement award and settlement payment to the Representative Plaintiff, unless

1 otherwise ordered by the Court.

2 12. All papers in support of final approval of the settlement shall be filed and  
3 served no later than October 1, 2008. However, all papers in support of Class Counsel's  
4 request for attorney's fees and costs shall be filed and served no later than August 15,  
5 2008.

6 13. At the Final Approval Hearing, the Court shall determine whether the  
7 proposed settlement, any application for attorney's fees or reimbursement of costs, and  
8 any application for the enhancement award to the Representative Plaintiff shall be  
9 approved.

10 14. The Court reserves the right to adjourn the date of the Final Approval  
11 Hearing without further notice to the Settlement Class Members, and the Court retains  
12 jurisdiction to consider all further applications arising out of or connected with the  
13 proposed settlement.

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15 Dated: June \_\_, 2008



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Hon. Susan Illston